

OGC HAS REVIEWED.

28 May 1953

MEMORANDUM FOR: Deputy Director (Administration)
THROUGH: Personnel Director
Director of Security
SUBJECT: McCarran Riders to Permit Discretionary Firings.

1. Attached hereto is an interesting and well presented article by Jack Steele published in the "New York Herald Tribune" of 10 May 1953. We feel that much of the reasoning is applicable to the statutory authority of the DCI under Section 102(c) of the National Security Act of 1947 permitting him to terminate employees wherever he deems it necessary or advisable in the interest of the United States.

2. The so-called McCarran Riders referred to contain language which is almost identical to the language of Public Law 733 which is the law upon which Executive Order 10450 is based. As you are aware, that Executive Order is the one upon which our proposed regulations, in turn, are based. In each case the statute in a technical sense could be interpreted to give discretionary authority to terminate for reasons other than security. Mr. Steele points out that it is clear that Congress intended the riders to be used only against employees suspected of being disloyal or poor security risks. His point also is well taken that a termination under the authority of such a statute carries a clear security onus.

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Acting General Counsel

Attachment

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1 - Personnel Director

1 - Director of Security

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MISSING PAGE

ORIGINAL DOCUMENT MISSING PAGE(S):

QH.